

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America)

v.)

JORDIAN PACHECO)

Year of Birth 1991)

Case No. MJ 22-776 BPB)

Defendant(s)

FILED

United States District Court
Albuquerque, New MexicoMitchell R. Elfers
Clerk of Court

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 9 and 10, 2021 in the county of McKinley in the
District of New Mexico, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
Title 18 U.S.C. § 1153	Offenses Committed Within Indian Country
Title 18 U.S.C. §§ 2244(a), §2246 (2)(A)	Sexual Abuse of a Minor

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.


Complainant's signature

FBI Special Agent Curtis Imming

Printed name and title

Sworn telephonically and received electronically via email
~~Sworn to before me and signed in my presence.~~Date: May 11, 2022City and state: Farmington, New Mexico


Judge's signature

Hon. B. Paul Briones

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

IN THE MATTER OF THE ARREST OF:
JORDIAN PACHECO
YOB 1991

Case No. _____

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Curtis Imming, a Special Agent with the Federal Bureau of Investigation, being duly sworn, hereby depose and state as follows:

INTRODUCTION AND BACKGROUND OF THE AFFIANT

1. I make this affidavit in support of the issuance of a criminal complaint and arrest warrant for JORDIAN PACHECO (year of birth 1991) (hereafter “PACHECO”), for violations of: 18 U.S.C. § 1153, Offenses Committed within Indian Country; 18 U.S.C. §§ 2244(a) and 2246(2)(A), Sexual Abuse of a Minor.

2. I am a Special Agent with the Federal Bureau of Investigation (“FBI”) and have been so employed since July 2014. I am currently assigned to the Albuquerque Field Office, Gallup Resident Agency (“GRA”). My primary duties as a Special Agent with the FBI include investigating crimes occurring in Indian Country. I have gained experience in the conduct of such investigations through previous case investigations, formal training, and in consultation with law enforcement partners in local, state and federal law enforcement agencies. As a Federal Agent, I am authorized to investigate violations of the laws of the United States and have authority to execute arrest and search warrants issued under the authority of the United States.

3. The statements contained in this affidavit are based upon my investigation, training and experience, as wells as information provided by other law enforcement officers or

from other reliable sources. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts which I believe are necessary to establish probable cause to support a criminal complaint against PACHECO, for violations of 18 U.S.C. § 1153, Offenses Committed within Indian Country; 18 U.S.C. §§ 2244(a) and 2246(2)(A), Sexual Abuse of a Minor.

FACTS AND CIRCUMSTANCES ESTABLISHING PROBABLE CAUSE

4. On January 10, 2021, FBI AQ, GRA received a referral from Navajo Nation Criminal Investigations related to the sexual assault of B.R. (hereinafter referred to as “JANE DOE”), YOB 2006, by PACHECO. PACHECO was from the Santo Domingo Pueblo and traveled to JANE DOE’s home located on the Navajo Reservation on the evening of January 9, 2021.

5. The Window Rock Police Department Incident Report Contact Sheet provided that on January 10, 2021, K.R. (hereinafter referred as “WITNESS 1”), YOB 1989, contacted the Navajo Police Department (“NPD”) providing there was a man WITNESS 1 believed to be an 18-year-old male in her house without her consent. The male was in JANE DOE’s bedroom and JANE DOE was WITNESS 1’s daughter. NPD responded and upon arrival identified a male who identified himself as “SCOTT NACHO” or “NIETO” (later identified as PACHECO). NPD detained PACHECO and escorted him out of the residence.

6. The report continued providing WITNESS 1 spoke to JANE DOE who told her that PACHECO arrived to the residence after midnight through the window. PACHECO told WITNESS 1 he was 18 years old.

7. JANE DOE provided to NPD that she spoke to PACHECO through email and he stayed the night because it was too late for PACHECO to go home. PACHECO slept in JANE DOE's closet and not in her bed. JANE DOE provided PACHECO was 18 years old and they only communicated through email.

8. NPD spoke to PACHECO and he again provided his name as SCOTT NIETO and his Date of Birth as February 8, 2004. PACHECO said he was dropped off by his mother at JANE DOE's residence and he knew JANE DOE was under 18-years-old. PACHECO told NPD that he did not have any sexual contact with JANE DOE and he did not kiss or touch her.

9. PACHECO was later transported to the Window Rock Adult Detention Center and booked by NPD for falsification, burglary, and criminal trespass.

10. NPD identified a vehicle outside JANE DOE's residence bearing New Mexico license plate ALWA10. JANE DOE didn't know who the vehicle belonged to, so NPD called it in to dispatch who provided the vehicle belonged to PACHECO, DOB February 8, 1991. The vehicle was towed by Manuelito Towing to their lot in Tse Bonito, New Mexico.

11. NPD went back to the Window Rock Adult Detention Center and spoke to PACHECO who confirmed his real name was Jordian Pacheco and his real date of birth was February 8, 1991. NPD confirmed that PACHECO was 29 years old, and not 18 years old as previously reported.

12. PACHECO was interviewed by NPD Criminal Investigations and FBI AQ, GRA on January 10, 2021 while in custody at the Window Rock Adult Detention Center. Following advisement and waiver of his Miranda rights, PACHECO made the following statements during the interview:

a. PACHECO met JANE DOE over Tik Tok around a year ago. PACHECO and JANE DOE talked about sex over the phone and talked about what they would do together. For instance, PACHECO was going to pull JANE DOE's hair and JANE DOE was going to "go down on him" (referring to oral sex). PACHECO knew JANE DOE was 14 years old.

b. PACHECO claimed that he had lost his phone prior to arriving at JANE DOE's house.

c. PACHECO stated that on January 9, 2021, he drove in the previously mentioned vehicle from Albuquerque, New Mexico to JANE DOE's residence and arrived at around 5:00 p.m. JANE DOE "went down on" PACHECO, which means that JANE DOE engaged in oral sex with PACHECO.

d. JANE DOE sat on PACHECO's lap and "grinded" on him while he had his pants on and he ejaculated in his boxers. After that, PACHECO went into the restroom and cleaned himself.

e. PACHECO and JANE DOE had vaginal sex in JANE DOE's bedroom around 8:00 or 9:00 p.m. before JANE DOE's mom got back. PACHECO used a condom, but he pulled out before he ejaculated because he didn't want to ejaculate in the condom. JANE DOE flushed the condom and they just watched movies after they had sex.

f. PACHECO slept in JANE DOE's closet and JANE DOE's sister caught him in JANE DOE's bedroom the next morning, January 10, 2021. JANE DOE's sister then told WITNESS 1 that PACHECO was in the house.

13. PACHECO was released from the Window Rock Adult Detention Center on January 11, 2021, and was able to gain access to his vehicle being stored by Manuelito Towing. NPD Criminal Investigations was able to intercept PACHECO at his vehicle and seize a cellphone in PACHECO's possession. The phone was believed to be removed from the vehicle by PACHECO, even though PACHECO previously claimed he had lost his phone before arriving at JANE DOE's residence. PACHECO was told he could not have access to the vehicle and the vehicle was later towed to FBI AQ, GRA for processing.

14. On February 3, 2021, FBI AQ, GRA forensically interviewed JANE DOE. JANE DOE provided she told PACHECO she was 14 years old, however, she did not disclose the sexual contact with PACHECO at that time.

15. JANE DOE was interviewed again on February 25, 2021, by law enforcement. JANE DOE had previously reported during the Sexual Assault Medical Examiner examination that her and PACHECO "kissed and he asked if we could 'do it' and I said yes. He used a condom." JANE DOE's reference to "doing it" referred to vaginal sex. During her second interview, FBI AQ, GRA asked JANE DOE if she made the above statement referring to sexual contact between her and PACHECO and she said yes.

16. On February 10, 2021, FBI AQ, GRA received a signed search warrant, 21-MR-182, which authorized the search of the vehicle PACHECO used to drive from Albuquerque to meet with JANE DOE. Amongst other items, the search authorized FBI AQ, GRA to seize any electronic devices that may have been used to communicate with JANE DOE. During the search of the vehicle, FBI AQ, GRA seized eight additional cellular phones.

17. On February 23, 2021, FBI AQ, GRA received signed search warrant 21-MR-236 authorizing the search of the nine total cell phones (one seized from PACHECO at Manuelito

Towing and eight seized during the search of PACHECO's vehicle). However, the phones were not processed in time and a new warrant was requested. On March 31, 2021, FBI AQ, GRA received signed search warrant 21-MR-427, again authorizing the search of the nine devices. The devices were provided to the New Mexico Regional Computer Forensics Laboratory (NMRCFL) for processing. The NMRCFL was able to extract data from six of the nine devices.

18. Review of the results revealed sexually explicit images depicting a minor female later identified as JANE DOE.

19. On May 11, 2021, FBI AQ, GRA requested an additional search warrant, 21-MR-635, which authorized expanded searches of the six devices for items not covered by the initial warrant, including communications with additional minors and material depicting child pornography, as defined in 18 U.S.C. § 2256.

20. Results from the expanded search led FBI AQ, GRA to the identification of additional minor victims of potential child exploitation offenses. To date, FBI AQ, GRA has identified at least five additional minor female victims through the search of PACHECO's phones. While the investigation remains ongoing, the evidence indicates that PACHECO has a history of chatting with minor females online through different social media platforms. During these sexual chats, PACHECO often requests and receives sexually explicit material from the minors. The evidence indicates that PACHECO was using a different phone to converse with each different minor victim. To date, FBI AQ, GRA believes that these additional offenses were committed over the course of four years between 2014 and 2018. That information was based off the forensic interviews of additional victims conducted by FBI AQ, GRA in 2021.

21. In May 2022, while the investigation into additional offenses remained ongoing, FBI AQ, GRA received information that PACHECO was living in a residence on the Santo

Domingo Pueblo with two registered sex offenders and a number of minor children. FBI AQ, GRA is seeking the requested criminal complaint and arrest warrant only for the offense that occurred within the exterior boundaries of the Navajo Nation in January 2021, although additional charges may be sought upon completion of the investigation for offenses involving additional minors.

JURISDICTIONAL STATEMENT

22. The physical sexual contact between PACHECO and JANE DOE was committed within the exterior boundaries of the Navajo Nation Indian Reservation.

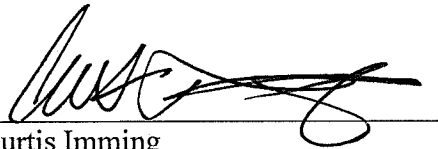
23. JANE DOE is an enrolled member of the Navajo Nation. PACHECO is an enrolled member of the Pueblo of Santo Domingo.

CONCLUSION

23. In summary, based on the above information, I believe there is probable cause to believe PACHECO committed violations of: 18 U.S.C. § 1153, Offenses Committed within Indian Country; 18 U.S.C. §§ 2244(a) and 2246(2)(A), Sexual Abuse of a Minor, on January 9 and 10, 2021 in the District of New Mexico. JANE DOE was 14 years old at the time of the alleged offense.

24. This affidavit has been reviewed by Assistant United States Attorney Sarah Mease.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.


Curtis Imming
Special Agent
Federal Bureau of Investigation

Subscribed [electronically] and sworn [telephonically/before me]
this 11th day of May, 2022:

A handwritten signature in black ink, reading "B Paul Briones". The signature is written in a cursive, flowing style. The "B" is large and loops around the "P". The "Briones" is written in a similar cursive style, with the "i" and "o" being small loops.

B. Paul Briones
UNITED STATES MAGISTRATE JUDGE